



**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

**Tentative Notice of Action**

Promoting the wise use of land  
Helping build great communities

MEETING DATE August 18, 2006 LOCAL EFFECTIVE DATE September 2, 2006 APPROX FINAL EFFECTIVE DATE September 22, 2006	CONTACT/PHONE Mike Wulkan 781-5608	APPLICANT Dennis DeWalt	FILE NO. DRC2005-00118
<b>SUBJECT</b> Request by Dennis DeWalt for a Minor Use Permit/Coastal Development Permit to allow an approximately 350-square-foot addition on the first floor of an existing 2,985-square-foot, two-story dwelling, plus addition of a second-story deck, a covered patio on the first floor, a pool and spa and related improvements in the yard area, and landscape restoration. The project will result in the disturbance of an additional approximately 2,500 square-feet of an approximately 16,700-square-foot parcel. The proposed project is within the Residential Suburban land use category and is located at 6450 Harbor Lights Lane, approximately 450 feet south of Lupine Canyon Road in the community of Avila Beach. The site is in the San Luis Bay Planning Area.			
<b>RECOMMENDED ACTION</b> Approve Minor Use Permit/Coastal Development Permit DRC2005-00118 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
<b>ENVIRONMENTAL DETERMINATION</b> The Environmental Coordinator finds that the proposed project is consistent with the previously certified Final Environmental Impact Report (FEIR), and that the FEIR is adequate for the purposes of compliance with CEQA, because no substantial changes are proposed in the project which will require major revision of the previously certified FEIR, no substantial changes occur with respect to the circumstance under which the project is undertaken which will require major revision of the previously certified FEIR, and no new information of substantial importance has been identified which was not known at the time that the previous FEIR was certified (ED 06-019).			
LAND USE CATEGORY Residential Suburban	COMBINING DESIGNATION Local Coastal Program, Archaeologically Sensitive, Geologic Study Area	ASSESSOR PARCEL NUMBER 076-180-023	SUPERVISOR DISTRICT(S) 3
<b>PLANNING AREA STANDARDS:</b> San Luis Bay Estates Residential Suburban #1: Limitation on Use <i>Does the project meet applicable Planning Area Standards? Yes - see discussion</i>			
<b>LAND USE ORDINANCE STANDARDS:</b> Section 23.01.043: Appeals to the Coastal Commission (Coastal Appealable Zone); Section 23.07.080: Geologic Study Area; Section 23.07.120: Local Coastal Program; Section 23.07.104: Archaeologically Sensitive Area. <i>Does the project conform to the Coastal Zone Land Use Ordinance Standards? Yes - see discussion.</i>			
<b>FINAL ACTION</b> This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14 calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			

EXISTING USES: Single-family residence	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Suburban / single-family residences <i>South:</i> Residential Suburban / single-family residences <i>East:</i> Open Space/open space <i>West:</i> Open Space/open space	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Avila Valley Advisory Council, Public Works, CDF/County Fire, Avila Community Services District, and the California Coastal Commission.	
TOPOGRAPHY: Relatively level to moderately sloping	VEGETATION: Oak trees, lawn, ornamental landscaping
PROPOSED SERVICES: Water supply: San Miguelito Mutual Water Company Sewage Disposal: San Miguelito Mutual Water Company Fire Protection: CDF/County Fire Department	ACCEPTANCE DATE: March 21, 2006
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242	

## PROJECT HISTORY:

A Minor Use Permit was approved in November 1999 for the existing single-family residence (D990065P, Peterson).

Prior to submittal of this application, a Code Enforcement case was initiated due to various improvements made on this site that were not in compliance with the conditions, including environmental mitigation measures, for Tract 2149. Staff's major concerns were with a retaining wall in the northwest portion of the site located outside of the designated building envelope, non-native landscaping and irrigation located within one and one-half times the distance underneath the dripline of oak trees, and a retaining wall in the south-east portion of the site. In connection with the processing of this Minor Use Permit application, the applicant has prepared and implemented a landscape/restoration plan that addresses staff's concerns by removing the retaining wall that was outside of the building envelope in the north-west portion of the site, removing irrigation lines and irrigated landscaping, including turf, within one and one-half times the distance underneath the driplines of oak trees in the front yard in the southeast portion of the site, and planting 10 oak trees on the site. In addition, the applicant demonstrated through an arborist's report that the retaining wall in the southeast portion of the site would not adversely affect any adjacent oak tree (see attached letter dated February 28, 2006 from Robert F. Schreiber). All mitigation measures in the landscape/restoration plan have been completed by the applicant and inspected by staff.

In May 2006, a building permit (PMT2005-02752) was issued for a 168-square-foot bedroom and bathroom addition on the lower floor and a 132-square-foot bathroom and closet addition on the upper floor. The total area of that addition comprised less than 10 percent of the floor area of the existing structure and was approved without the need for a Coastal Development Permit, consistent with the Coastal Act.

## DISCUSSION:

### PLANNING AREA STANDARDS:

#### San Luis Bay Area Plan

SAN LUIS BAY ESTATES AREAWIDE #1 – Permit Required - Master Plan (consistency with the Master Development Plan).

SAN LUIS BAY ESTATES RESIDENTIAL SUBURBAN #1 – Limitation on Use - Uses allowed include home occupations, residential accessory uses, and single family dwellings.

*The proposed plans are consistent with the Planning Area Standards for San Luis Bay Estates because the project meets the provisions of the Master Development Plan and the limitation on allowed uses within the Residential Suburban land use category.*

### MASTER DEVELOPMENT PLAN FOR SAN LUIS BAY ESTATES:

*Residential Clusters (C-2): “The placement of units shall be limited to the area under a plane struck from Avila Road to the ridge-top and behind the point at which the plane touches the top of the ridge. Units may be placed in front of this area if it can be demonstrated that existing trees substantially screen the living unit from views from Avila [Beach Drive].”*

*The proposed plans are consistent with the Master Development Plan for San Luis Bay Estates (D930130D) because, based on field evaluations by staff, the residence and proposed addition will still be substantially screened from view of Avila Beach Drive despite tree-trimming that may have occurred in the open space area.*

### TRACT 2149 STANDARDS:

#### *Blue Heron Rookery*

One of the mitigation measures contained in the certified Environmental Impact Report (EIR) for Tract 2149 is specific to protecting the great blue heron rookery, which is considered a special habitat feature. A biological resource mitigation measure states that construction shall be prohibited from December 15<sup>th</sup> through April 15<sup>th</sup> to avoid the period of nest establishment for herons (BR-10, San Luis Bay Estates Master Development Plan).

*The EIR mitigation measure is incorporated into the conditions of approval for the issuance of this Minor Use Permit.*

#### *Building Height*

Tract conditions set forth a maximum allowable height limit of 24-feet above existing natural grade for this lot (Setback and Height Criteria: Single-family Lots #6, Tract 2149 Development Plan Conditions).

*The height of the existing residence is 23 feet, 10.5 inches above finished grade. The addition as proposed will not exceed that height. The existing roof deck railing may exceed the maximum allowable height. A condition of approval requires the applicant to obtain the required construction permit for the roof deck and assure its compliance with the height limit. Therefore, as conditioned, this project will conform to the height limit required by Tract 2149.*

*Building Envelope*

All development shall be located within approved building envelope. No grading shall be allowed outside of the building envelope or other areas designated for development (BR-2, Tract 2149 Development Plan Conditions).

COASTAL ZONE LAND USE ORDINANCE STANDARDS:

*Section 23.01.043 – Coastal Appealable Zone*

The project is appealable to the Coastal Commission because the site is located in the appealable area between the first public road and the beach. Due to the site's location in a private gated community in the coastal mountains approximately 2,000 feet from the beach with numerous intervening properties, the proposal won't interfere with public access to and along the coast.

*Section 23.07.120 – Local Coastal Program*

The project site is located within the California Coastal Zone as established by the California Coastal Act of 1976, and is subject to the provisions of the Local Coastal Program.

*Section 23.07.080 – Geologic Study Area*

The project is located in a Geologic Study Area and all of the lots in Heron Crest were evaluated in the Tract 2149 Supplemental Final Environmental Impact Report (SFEIR). This lot did not warrant special mitigation measures because no earthquake faults or active landslides are present in this area of the tract. Additional review of geotechnical issues may be required by Title 19 and the Coastal Zone Land Use Ordinance with the building permit application.

*Section 23.07.104 – Archaeologically Sensitive Area*

The site design and development incorporate adequate measures to ensure that archaeological resources will be acceptably and adequately protected because archaeological resource measure AR-2 in the Tract 2149 Development Plan Conditions concerning mitigation measures pertaining to specific archaeological sites was addressed and completed with the improvements for Tract 2149.

***Does the project meet applicable Coastal Zone Land Use Ordinance Standards:*** Yes, as conditioned.

COASTAL PLAN POLICIES:

The project is consistent with the Local Coastal Plan. The most relevant policies follow.

Environmentally Sensitive Habitats: N/A

Shoreline Access: ☒ Policy No. 2: New Development

Recreation and Visitor Serving: N/A

Energy and Industrial Development: N/A

Commercial Fishing, Recreational Boating and Port Facilities: N/A

Agriculture: N/A

Public Works: N/A

Coastal Watersheds: N/A

Visual and Scenic Resources: ☒ Policy 1: Protection of Visual and Scenic Resources

Visual and Scenic Resources: ☒ Policy 2: Site Selection for New Development

Visual and Scenic Resources: ☒ Policy 5: Landform Alterations

Hazards: ☒ Policy 2: Erosion and Geologic Stability

Archaeology: ☒ Policy 1: Protection of Archaeological Resources

Air Quality: N/A

***Does the project meet applicable Coastal Plan Policies:*** Yes, as conditioned.

## COASTAL PLAN POLICY DISCUSSION:

### *Shoreline Access*

**Policy 2, New Development:** The proposed project is consistent with this policy which states that new development provide maximum public access from the nearest public roadway to and along the shoreline, with exceptions. Although the site is located within the area designated as between the first public road and the shoreline, due to the site's location in a private gated community in the coastal mountains approximately 2,000 feet from the beach with numerous intervening properties and the abundance of public coastal access points along Avila beach, the project will not interfere with public access to the coast.

### *Visual and Scenic Resources*

The project is consistent with the visual mitigation measures VR-5 through VR-7 in the Certified SFEIR for Tract 2149 and is substantially screened from the public view corridor.

**Policy 1, Protection of Visual and Scenic Resources:** The project is consistent with this policy to preserve and protect unique and attractive features of the landscape because it is a minor addition to a single-family residence, is the same height as the existing residence, and will not cause a visual impact from the public view corridor along Avila Beach Drive and from the beach.

**Policy 2, Site Selection for New Development:** The proposed project is consistent with this policy to protect views to and along the ocean and scenic coastal areas because the proposed addition is minor, is the same height as the existing two-story residence, and will not interfere with public views because the existing structure and proposed addition will be substantially screened from Avila Beach Drive.

**Policy 5, Landform Alterations:** The project is designed to minimize grading by containing the grading to the area within the designated building envelope.

### *Hazards*

The project is located in a Geologic Study Area. *See discussion under Coastal Zone Land Ordinance Standards.*

### *Archaeology*

The project is located in an Archaeologically Sensitive Area. *See discussion under Coastal Zone Land Use Ordinance Standards.*

## COMMUNITY ADVISORY GROUP COMMENTS:

The Avila Valley Advisory Council, in a letter dated February 13, 2006, recommends the following mitigation measures to satisfy the screening requirement of the Master Development Plan for San Luis Bay Estates:

- Plant six 48-inch-box coast live oak trees in the open-space area on the eastern side of Harbor Lights Lane in front of the applicant's dwelling
- Require the owner of the open space lot (Heron Crest Homeowners Association) to irrigate and maintain the oak trees in accordance with the easement agreement with the county.

*The concerns of the Advisory Council have been addressed, because based on field visits, staff determined that the project as proposed meets the screening requirements of the Master Development Plan for San Luis Bay Estates (see the discussion under the preceding section titled "Master Development Plan For San Luis Bay Estates").*

**AGENCY REVIEW:**

*Public Works* – Drainage and pool drain outlets are not to be directed towards oak trees. They must outlet in an approved location.

*CDF/County Fire Department* – No comments.

*Building Division* – Existing kitchenette allowed only bar sink and under-counter refrigerator.

*California Coastal Commission* – No comments received.

**LEGAL LOT STATUS:**

The existing lot was legally created by a recorded map at a time when that was a legal method of creating lots, and is also considered a legal lot by virtue of existing development (*Lot 29, Tract 2149-1*).

Staff report prepared by Mike Wulkan and reviewed by Matt Janssen.

## EXHIBIT A - FINDINGS

### *Environmental Determination*

- A. The Environmental Coordinator finds that the proposed project is consistent with the previously certified Final Environmental Impact Report (FEIR), and that the FEIR is adequate for the purposes of compliance with CEQA, because no substantial changes are proposed in the project which will require major revision of the previously certified FEIR, no substantial changes occur with respect to the circumstance under which the project is undertaken which will require major revision of the previously certified FEIR, and no new information of substantial importance has been identified which was not known at the time that the previous FEIR was certified.

### *Minor Use Permit*

- B. The proposed project is consistent with the San Luis Obispo County General Plan because the addition to a single-family residence, deck, patio, pool/spa and related improvements are allowed uses, and as conditioned, are consistent with all of the General Plan policies.
- C. As conditioned, the proposed project satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the project as proposed does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the addition to a single-family residence, deck, patio, pool/spa and related improvements are similar to and will not conflict with the surrounding single-family residences.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project consists of a minor addition and improvements that will generate little or no additional traffic and because the site located on Harbor Lights Lane, a private local road constructed to a level able to handle any additional traffic associated with the project.

### *Coastal Access*

- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

### *Archaeological Sensitive Area*

- H. The site design and development incorporate adequate measures to ensure that archaeological resources will be acceptably and adequately protected because archaeological resource mitigation measure AR-2 in the conditions of approval of Tract 2149 regarding specific archaeological resources has been addressed and completed in connection with the tract improvements for Tract 2149.

## **EXHIBIT B - CONDITIONS OF APPROVAL**

### **Approved Development**

1. This approval authorizes:
  - a. Construction of an approximately 350-square-foot addition on the first floor, plus the addition of a new second-story deck, first-floor covered patio, pool/spa, related improvements, and site restoration.
  - b. The maximum height shall not exceed the height of the highest point of the existing roof.
  - c. All development shall be consistent with the approved site plan, floor plans, elevations, and landscape/restoration plan.

### **Conditions required to be completed at the time of application for construction permits**

#### ***Biological Resources***

2. **At the time of application for construction permits**, plans submitted shall include as notes the following measure to protect the great blue heron rookery (BR-10, Master Development Plan for San Luis Bay Estates):
  - a. Construction shall be prohibited from December 15<sup>th</sup> through April 15<sup>th</sup> to avoid the period of nest establishment for herons.

#### ***Site Development***

3. **At the time of application for construction permits**, plans submitted shall show all development consistent with the approved site plan, floor plan, architectural elevations and landscape plan.
4. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

#### ***Drainage***

5. **At the time of application for construction permits**, the plans shall demonstrate that site drainage and pool drain outlets are not directed towards oak trees and must outlet in a location approved by the Public Works Department.

#### ***Fire Safety***

6. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to, those specified in the conditions of approval for Tract 2149 Development Plan, as follows:
  - a. **FS-3:** Residential structures located on lots 21 through 31 shall be constructed using the following standards: combustible eaves, balconies, unenclosed roofs and floors, and other similar surfaces shall be protected on the exposed underside by materials approved for one-hour resistant construction. Building exteriors and/or siding are to be of a non-combustible material.



- b. **FS-7:** Roof coverings shall be of a Class "A" roofing material as defined by the UBC. The spaces between rafters, the wall plate line and the underside of the roof sheathing shall be filled with not less than two-inch nominal thickness wood or equivalent solid blocking. All soffit vents, foundation louvers, vents through a roof, or other ventilation openings in exterior walls, eaves, or overhangs shall not exceed 144-square-inches each and shall be covered with ¼-inch mesh non-combustible metal screen. Windows shall be dual or triple-paned. Exterior walls shall be protected with materials of not less than one-hour fire resistant construction on the exterior side. The materials shall extend from the top of the foundations to the underside of the roof sheathing.

#### ***Services***

7. **At the time of application for construction permits**, the applicant shall provide a letter from San Miguelito Mutual Water Company stating they are willing and able to service the property.

#### **Conditions to be completed prior to issuance of a construction permit**

##### ***Fees***

8. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

##### ***Roof deck***

9. **Prior to issuance of a construction permit for any of the improvements authorized by this Minor Use Permit**, the applicant shall submit construction plans and obtain the required construction permit to legalize the existing roof-deck. No portion of the deck or deck railing shall exceed the elevation of the highest point of the existing roof.

#### **Conditions to be completed during project construction**

##### ***Biological Resources***

10. **No construction activities shall be undertaken between December 15<sup>th</sup> and April 15<sup>th</sup>**, as established in the environmental mitigation conditions for the Tract 2149 Development Plan in order to prevent disturbance impacts during the Blue Heron nesting period (BR-10).

##### ***Building Height***

11. The maximum height shall not exceed the elevation of the highest point of the existing roof.

#### **Conditions to be completed prior to final building inspection**

12. Landscaping in accordance with the approved landscaping plan shall be installed or bonded for before final building inspection. If bonded for, landscaping shall be installed within 60 days after final building inspection. All landscaping shall be maintained in a viable condition in perpetuity.
13. **Prior to occupancy or final inspection**, whichever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.

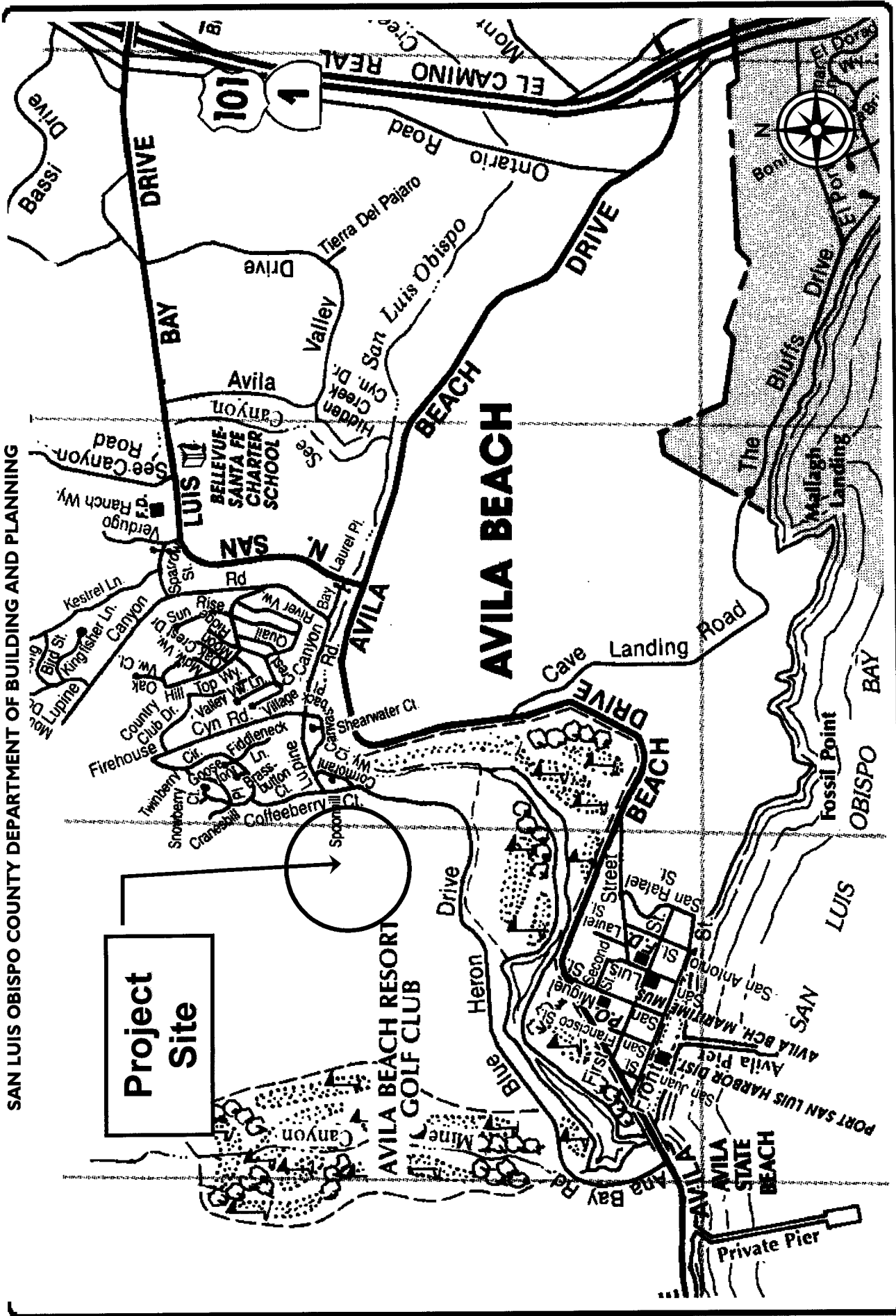
14. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

**Six-month site restoration follow-up**

15. **Six months following the effective date of this Minor Use Permit**, the applicant shall allow Planning and Building staff to conduct an inspection to monitor implementation of the landscape/restoration plan. In the event that the landscaping and improvements are not in compliance with the approved landscape/restoration plan, the applicant shall make the needed improvements to bring the site into compliance to the satisfaction of the Planning and Building Department.

**On-going conditions of approval (valid for the life of the project)**

16. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Coastal Zone Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Coastal Zone Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
17. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Coastal Zone Land Use Ordinance.
18. Oak trees provide an essential component of wildlife habitat and visual benefits. The applicant recognizes this and agrees to minimize trimming of retained oaks. Retained oaks which are determined to require trimming/limbing shall be properly pruned and cared for as recommended by a qualified arborist (BR-9, Tract 2140 Development Plan Conditions).



PROJECT

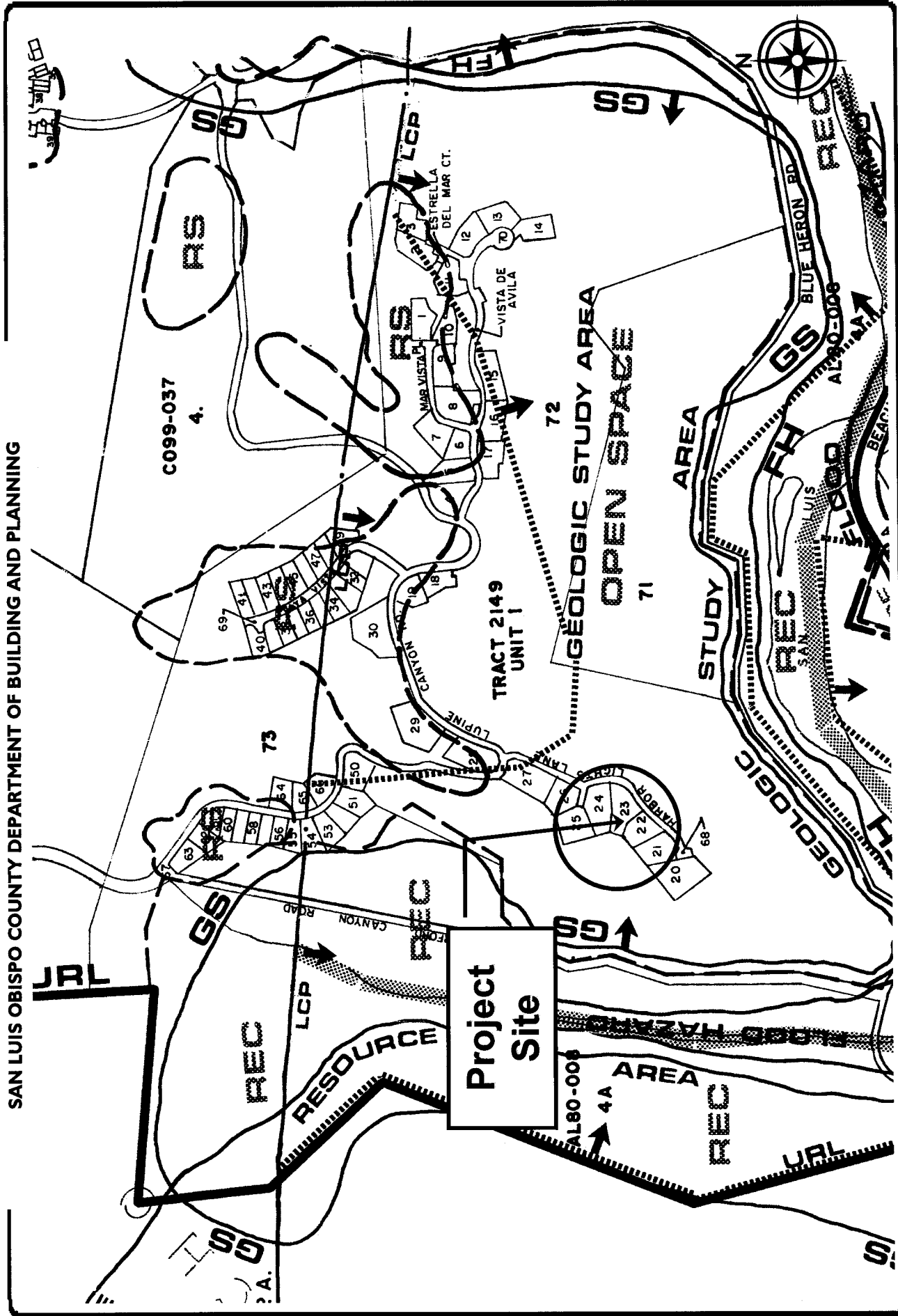
Minor Use Permit

DeWalt DRC2005-00118

EXHIBIT

Avila Vicinity





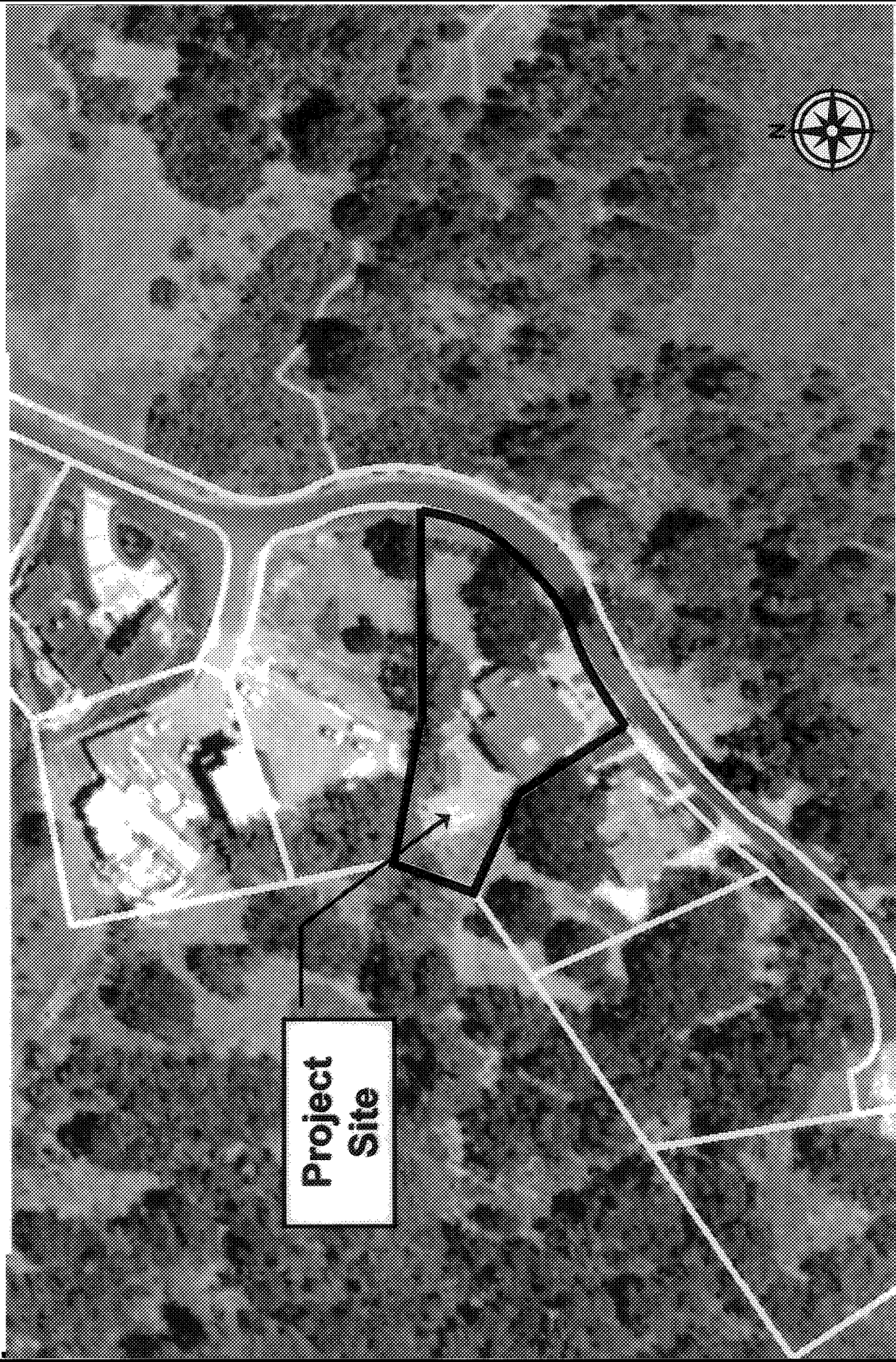
PROJECT

Minor Use Permit  
DeWalt DRC2005-00118

EXHIBIT

Land Use Category Map





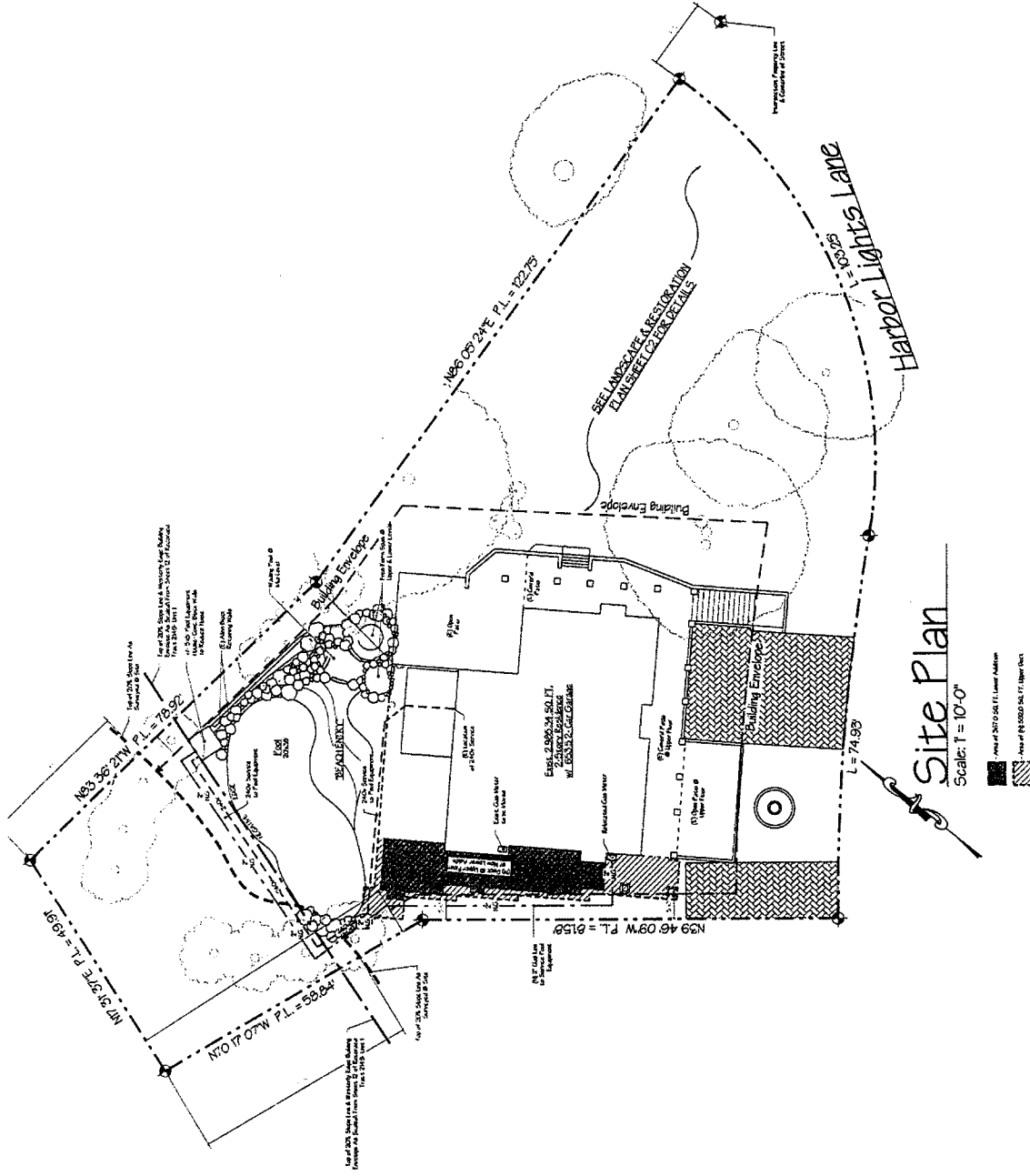
**PROJECT**

Minor Use Permit  
DeWalt DRC2005-00118

**EXHIBIT**

Aerial Photo





PROJECT

Minor Use Permit  
DeWalt DRC2005-00118



EXHIBIT

Site Plan

Proposed Lower Floor Plan  
Scale: 1/4" = 1'-0"

Home Office

(E) Bedroom

(E) Media Room

(E) 2-Car Garage

(E) Bedroom

(E) 3/4 Bath

(E) Study

(E) Game Room

(E) Entry

**EXHIBIT**

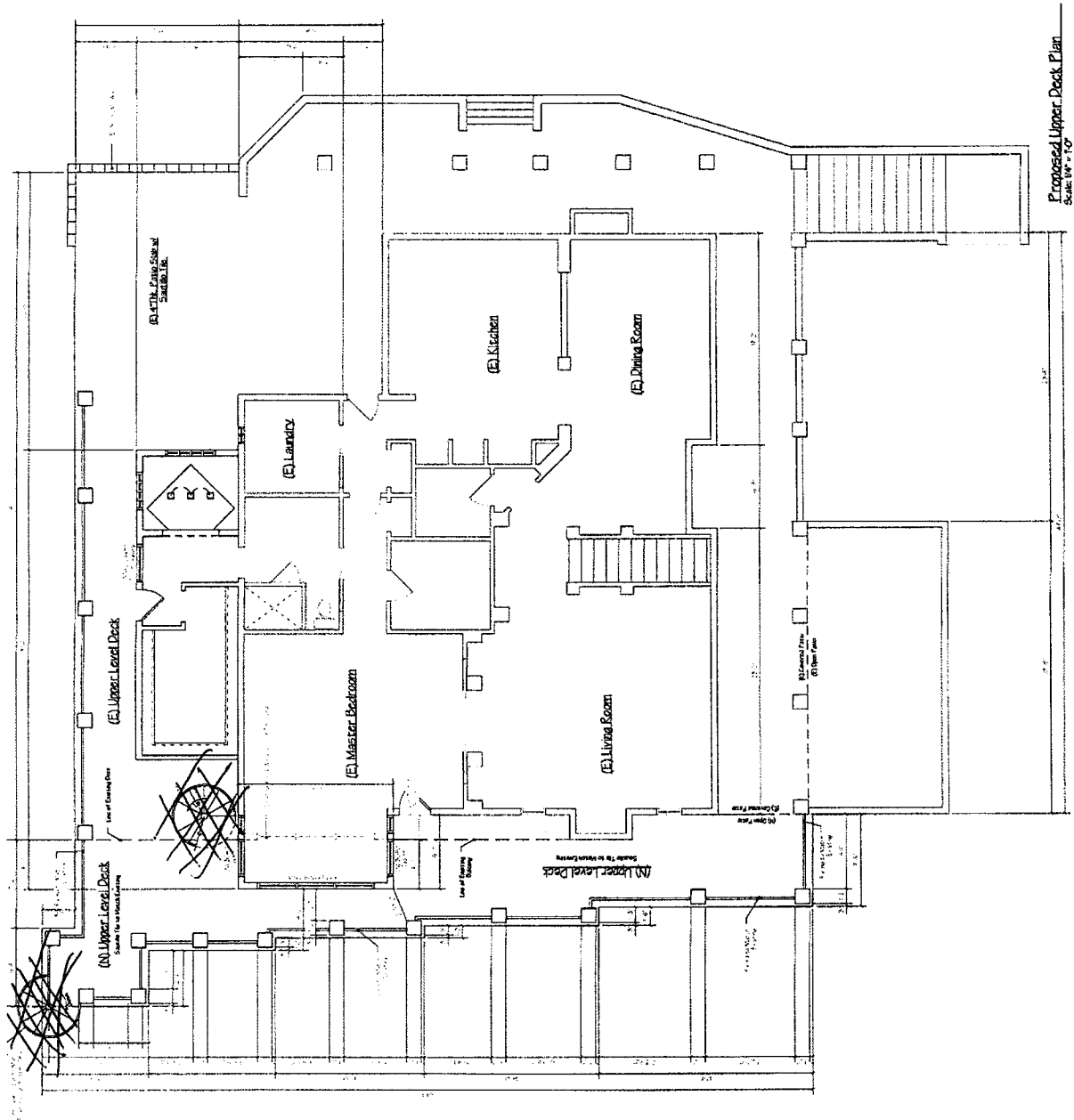
## First-Floor Plan



## PROJECT

Minor Use Permit  
DeWalt DRC2005-00118

**SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING**



Proposed Upper Deck Plan  
Scale: 1/4" = 1'-0"

# PROJECT

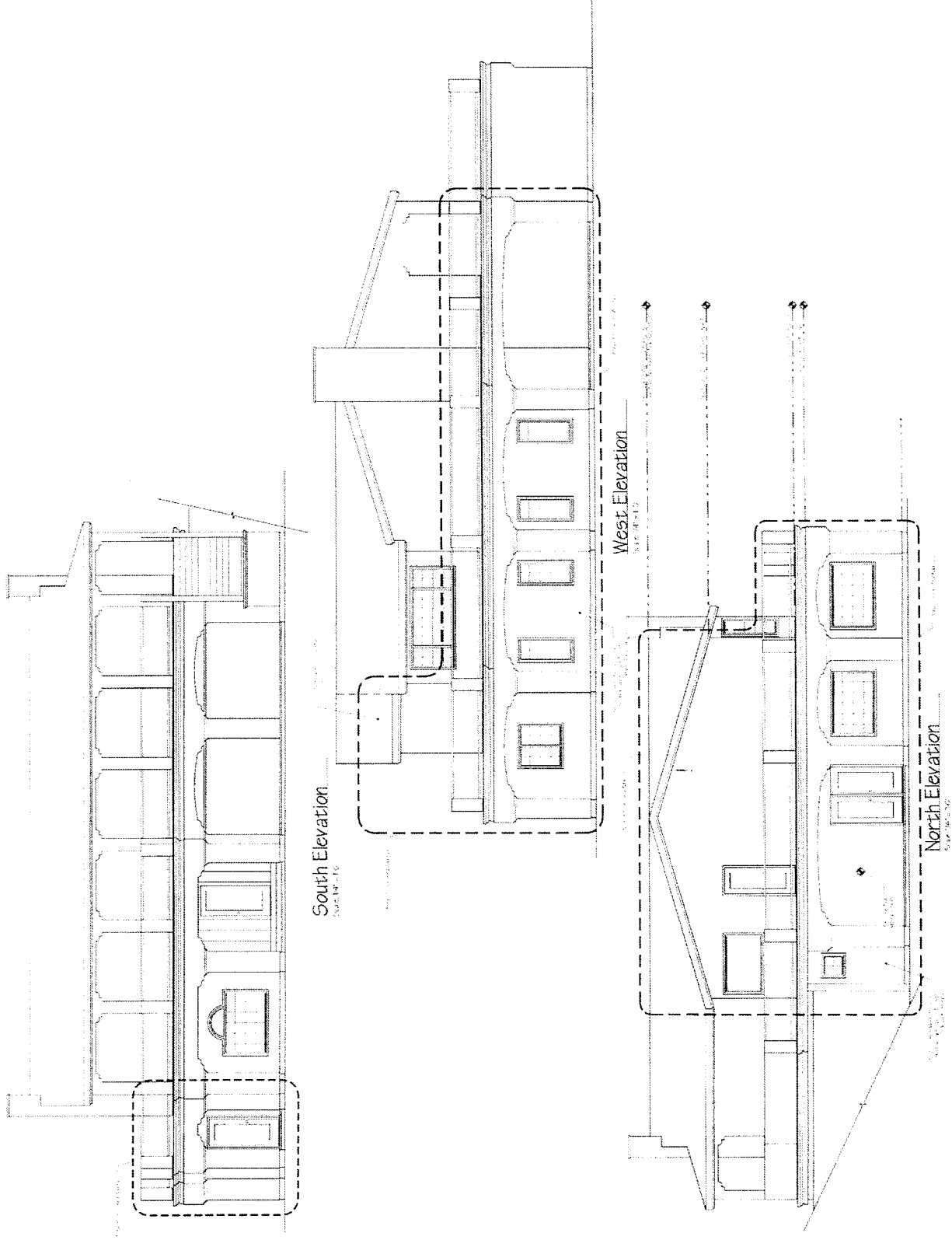
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DeWalt DRC2005-00118



**EXHIBIT**

## Second-Floor Plan





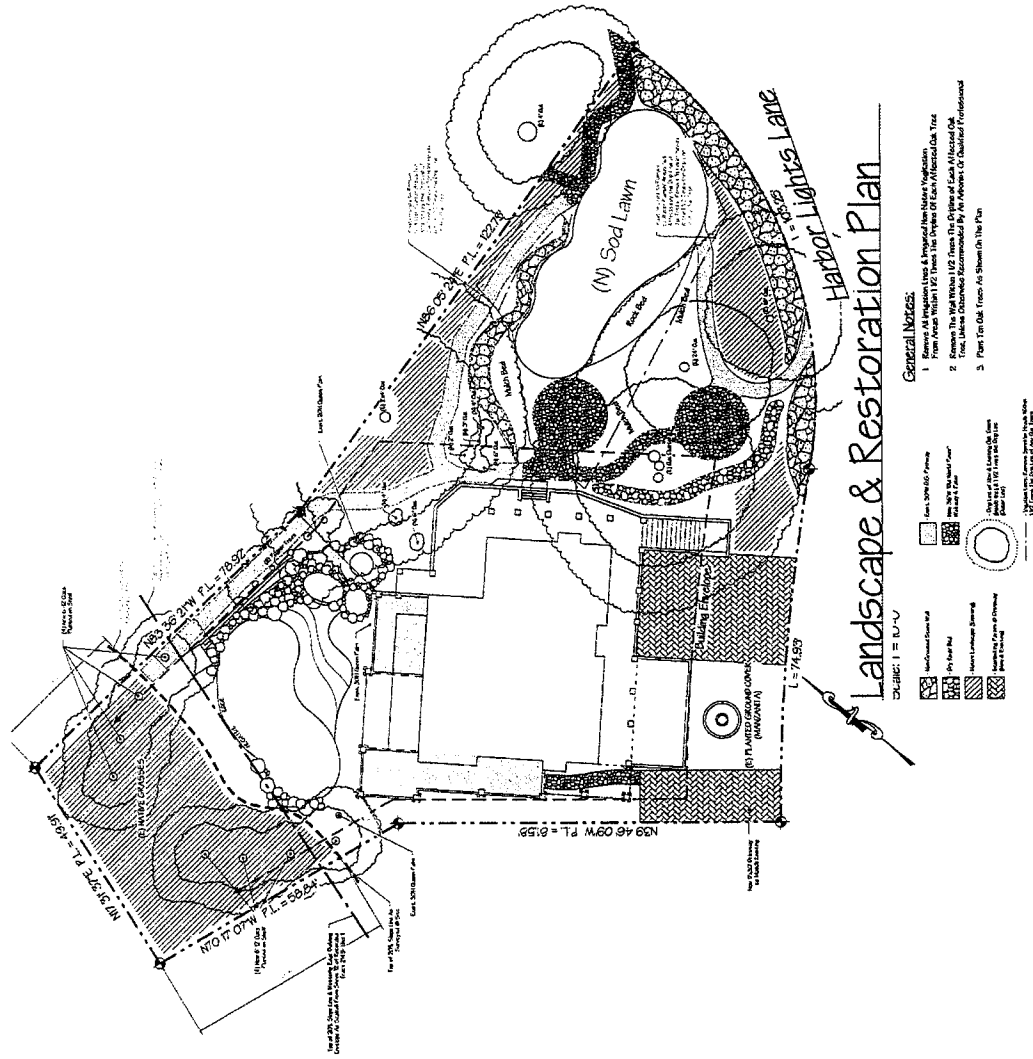
PROJECT

Minor Use Permit  
DeWalt DRC2005-00118



EXHIBIT

Elevations



# Avila Valley Advisory Council

San Luis Obispo County, California

P.O. Box 65  
Avila Beach, CA 93424  
[www.AvilaValley.org](http://www.AvilaValley.org)

## 2006 Officers

### **Chair**

Karla Bittner  
(San Luis Bay Estates)  
805-595-2797

### **Vice Chair**

John Salisbury  
(Avila Beach)

### **Secretary**

Karin Argano  
(Squire Canyon)

## Council Members

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Anne Brown  
Lisa Newton  
John Salisbury  
Julie Scott (alt)

### Avila Valley

Jan Taylor  
Boyd Horne  
Vacancy (alt)

### San Luis Bay Estates

Karla Bittner  
Sherri Gooding  
Dusty Palaia  
Bob Pusanik  
Lynn Walter  
Ted Ivarie  
Nisan Matlin (alt)

### See Canyon

Marylou Gooden  
Bill Tickell  
Jack Biesek (alt)

### Squire Canyon

Karin Argano  
John Schug  
Vacancy (alt)

February 13, 2006

Department of Planning and Building  
Attention: Mr. Mike Wulkan  
County Government Center  
San Luis Obispo, CA 93408  
[mwulkan@co.slo.ca.us](mailto:mwulkan@co.slo.ca.us)

**Subject: DRC2005-00118 Minor Use Permit/Dennis DeWalt**

Dear Mr. Wulkan:

The Conditions of Approval for Tract 2149 unit 1, phase 4D and the San Luis Bay Estates Master Plan require a 75% screening of residential structures by preserving a cluster of oak trees in front of the structures in the open space area that has been conveyed to the County by an Open Space Easement. The applicant for the subject Minor Use Permit has trespassed onto the open space and trimmed the oak trees sometime during November/December 2005. As a result, the applicant's residence does not meet the 75% screening criteria. This action has been observed and documented by County Code Enforcement.

As a condition for approval of the subject Minor Use Permit, AVAC recommends the following mitigation measures:

- The planting of 6-48" inch box coastal oak trees in the open space area in front of the applicant's structure;
- Require the owner of the open space lot (Heron crest Homeowners Association) to irrigate and maintain the oak trees in accordance with the easement agreement with the County.

AVAC appreciates the opportunity to provide comments and recommendations on the subject Minor Use Permit.

Sincerely,



Karla Bittner, Chair

- C: Pat Beck, Assistant Planning Director (By e-mail)  
Ryan Hostetter Planner (By e-mail)  
Jerry Lenthall Supervisor 3<sup>rd</sup> District (By e-mail & US Mail)

**RECEIVED**

FEB 21 2006

Planning & Bldg



SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP  
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE: 12/22/05

TO: PW

FROM: ☐ - South County Team ☐ - North County Team ☒ - Coastal Team

PROJECT DESCRIPTION: File Number: DRC 2005-00118 Applicant: Dewalt  
MUP - addition to existing SFR. Located  
off Harbor Lights Ln. Anita. APN: 026-180-023

Return this letter with your comments attached no later than: 1/5/06

PART I - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- ☒ YES (Please go on to PART II.)  
☐ NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- ☐ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)  
☒ NO (Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

~~NO COMMENT~~ Drainage and Pool Drain  
outlets are not to be directed towards Oak  
Trees. They must be outlet in an approved location

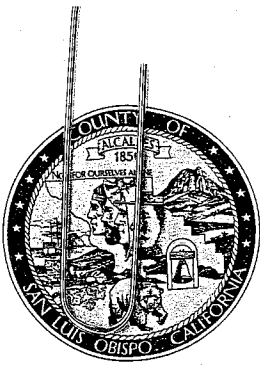
Date 4-11-06

Name Jim Paul

Phone 5271

COUNTY GOVERNMENT CENTER • SAN LUIS OBISPO • CALIFORNIA 93408 • (805) 781-5600

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SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP  
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE: 1/17/06

TO: CDF/ COUNTY FIRE

FROM: ☐ - South County Team ☐ - North County Team ☒ - Coastal Team

PROJECT DESCRIPTION: File Number: DRC 2005-00118 Applicant: DEWALT

See attached Project Description

Return this letter with your comments attached no later than: 1/31/06

PART I - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

- ☐ YES (Please go on to PART II.)  
☐ NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

- ☐ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)  
☐ NO (Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

No Comment

1/25/06  
Date

Victor Holanda  
Name

779-1025  
Phone



7  
SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP  
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE: 12/28/05

TO: Bldg. Div.

FROM: ☐ - South County Team

☐ - North County Team

☒ - Coastal Team

PROJECT DESCRIPTION: File Number: DRC 2005-00118 Applicant: Dewalt  
MUP - addition to existing SFR. Located  
off Harbor Lights Ln. Anita. APN: 026-180-023

Return this letter with your comments attached no later than: 1/5/06

PART 1 - IS THE ATTACHED INFORMATION ADEQUATE TO COMPLETE YOUR REVIEW?

☒ YES  
☐ NO

(Please go on to PART II.)

(Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II - ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☐ YES

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter)

☒ NO

(Please go on to PART III)

PART III - INDICATE YOUR RECOMMENDATION FOR FINAL ACTION.

Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial.

IF YOU HAVE "NO COMMENT," PLEASE SO INDICATE, OR CALL.

EXISTING KITCHENETTE? BAR SINK AND UNDERCOUNTER  
REFRIGERATOR ONLY - ALLOWED

12/28/05  
Date

BOB MOURNEZA  
Name

5709  
Phone

Tree & Environmental Specialist



Robert Schreiber 170 Terra Street Morro Bay CA 93442  
Phone/Fax (805)772-5400 CELL (805)4413715

Dennis Dewalt  
6450 Harbor Light Lane  
San Luis Bay Estates, CA

Mr. Dewalt has changed the grade on the up hill side of a coastal live oak. Most roots on oak trees grow downhill looking for water. It is well known and documented that coastal live oaks can withstand 1/3 of their roots (not close to the trunk) being cut during construction and survive. Any roots that have been removed were not significant enough to damage the tree.

The health of the tree: The tree seems to be in good health, it has good color, only 2% to 3% deadwood, it is approximately 28 feet tall and 35 feet wide. The Arborist requests removal of all irrigated non-drought tolerant plants within the drip line of this tree, Arborist also requests removal of one large group of mistletoe.

Robert Schreiber 2/28/06

Robert F. Schreiber Certification # FL0314A

